

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 16-CV-000396-RB-GJF  
No. 06-CR-00706-RB

VICTOR CLAY RICHARDSON,

Defendant.


**ORDER**

This matter is before the Court, *sua sponte* under Rule 4(b) of the Rules Governing Section 2255 Proceedings for the United States District Courts, on Defendant's Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. [CV Docs. 1, 2; CR Docs. 122, 124] Defendant has been granted "authorization to file a second or successive § 2255 motion in district court to raise a claim based on *Johnson v. United States*," 135 S. Ct. 2551 (2015), which invalidated the residual clause of the Armed Career Criminal Act (ACCA), 18 U.S.C. § 924(e)(2)(B)(ii). [CV Doc. 4; CR Doc. 126] Because Defendant's § 2255 motion is not subject to summary dismissal, the Court will direct the United States to file an answer.

**IT IS THEREFORE ORDERED** that the Clerk is directed to forward to the United States of America a copy of Defendant's § 2255 motion [CV Docs. 1, 2; CR Docs. 122, 124], and supporting papers and exhibits, if any, together with a copy of this Order;

**IT IS FURTHER ORDERED** that, within twenty-three days of entry of this Order, the United States answer Defendant's § 2255 motion.

**IT IS SO ORDERED.**



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THE HONORABLE GREGORY J. FOURATT  
UNITED STATES MAGISTRATE JUDGE